



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL
INVESTIGATION SERVICE

MEMORANDUM

Date: July 31, 2013

To: Annette Lewis, Contracting Officer
Management Services

From: William D. Hamel /s/
Assistant Inspector General
for Investigation Services

Subject: Purchase of Firearms Using Government Contract DJA10D000010

The U.S. Department of Education, Office of Inspector General (ED/OIG), proposes to purchase the following firearms under the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) contract number DJA10D000010:

Glock Inc., Model 27, .40 Caliber Generation 4 Pistols;
Quantity of 30 at \$360.00 each = \$10,800.00

The Federal Acquisition Regulations (FAR) 16.505 (b)(2)(ii)(A) requires that for orders exceeding \$3,000, but not exceeding \$150,000, the contracting officer "document the basis for using an exception to the fair opportunity process."

The basis for the request for ED/OIG to make a direct purchase of the above listed firearm from Glock, Inc. under ATF contract number DJA10D000010 is as follows:

The Inspector General Act of 1978, as amended (IG Act), 5 U.S.C. app., §§ 2, 4, and 6, outlines the functions and mission of the Office of Inspector General. The authority to investigate violations of Titles 18, 20 and 42 of the U.S. Code, and other Federal criminal statutes related to programs of the U.S. Department of Education is concurrent with the Federal Bureau of Investigation (28 U.S.C. §533-535). The Attorney General's *Guidelines for OIG's with Statutory Law Enforcement Powers*, required by section 6(e)(4) of the IG Act, govern the exercise of law enforcement powers for statutory law enforcement OIGs.

Statutory law enforcement authority for special agents of the ED/OIG is granted by section 6(e)(1) of the Inspector General Act of 1978, as amended by section 812 of the Homeland Security Act of 2002, Public Law 107-296 (November 25, 2001)(IG ACT). Section 6(e)(1) provides the following:

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- (e)(1) In addition to the authority otherwise provided by this Act, each Inspector General appointed under section 2, any Assistant Inspector General for Investigations under such Inspector General, and any special agent supervised under such an Assistant Inspector General, are authorized by the attorney General to-
 - (A) carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General

ED/OIG Manual, chapter 3210, section 4-1 and 4-6, states:

- All special agents will be issued one OIG handgun of the size each special agent deems most comfortable of Glock models 22, 23 or 27.
- All firearms acquired by the OIG will be transferred or purchased by the National Law Enforcement Coordinator with approval from the Assistant Inspector General for Investigations. The purchase of firearms by field offices is prohibited.

Based upon the above authority and ED/OIG policy, only Glock Model numbers 22, 23 or 27 firearms are authorized for use by ED/OIG special agents.

The prices under contract number DJA10D000010 is considered fair and reasonable based on the market research conducted internally. Additionally, to date there is a large backlog (up to and including 6 months or more) for orders placed by local firearms dealers with Glock Inc., for the same type of firearm. Further, the prices quoted for the same firearm were in excess of \$100 or more per firearm and in some cases could not be fulfilled by local dealers at all based on the current backlog of firearm orders with Glock Inc.

Based on the information above and in accordance with FAR 16.505(b)(2)(ii)(A), please allow for this exception to Fair Opportunity requirements.